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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY, DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|----------------------|------------------|
| 09/751,278 | 12/29/2000 | William R. Matz | 00882 | 8926 |

7590 11/25/2003
Thomas J. Edgington
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EXAMINER

TRINH, MINH N

| | |
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| ART UNIT | PAPER NUMBER |
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3729

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,278

Applicant(s)

MATZ ET AL.

Examiner

Minh Trinh

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-51 is/are pending in the application.
- 4a) Of the above claim(s) 51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18-19 6) ☐ Other:

DETAILED ACTION

1. The amendment filed in paper No. 20 (dated 3/27/2003) has been fully considered and made of record.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hemmingsen II (US 5,977,922) in view of Jackson et al (US 6,188,372). This rejection is set forth in prior Office Action, Paper No. 17, paragraph 8.
4. Claims 42, 43, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hemmingsen II in view of Jackson et al. This rejection is set forth in prior Office Action, Paper No. 17, paragraph 9.
5. Claims 44 -45, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hemmingsen II in view of Jackson et al as applied above and further in view of Chou (US 5,647,134). This rejection is set forth in prior Office Action, Paper No. 17, paragraph 10.

Response to Arguments

6. Applicant's arguments filed in paper No. 20 have been fully considered, the objection to drawings and the rejections under 112 second paragraph are found to be persuasive.

a) Applicant's response to the objection to the drawings (see paragraph III of the "remarks") are noted and are persuasive. Therefore, the objection to the drawing has been withdrawn.

b) Applicant's response to the rejection under 112 second with respect to the limitation recites "attaching a compass to the planar portion" has been noted and is persuasive (see paragraphs IV of the "remarks"). Further, the amended change to claim 47 languages (see amended claim 47) has overcome the 112-second rejections. For above reasons, the rejection under 112, second paragraph has been withdrawn.

7. Further, Applicants' arguments regarding the prior art rejections of claims 41-50 are not persuasive for the following reasons:

i-Regarding the 103 rejections of claims 41 and 46. Applicants argue (see page 6, paragraph 3) that the examiner fails to point to any motivation in the prior art in order to modify the Jackson et al. Applicants are referred to col. 3, lines 13-16 of Hemmingsen II that describes the Alignment device 26 is having a flat support member and is removable secured to a support structure by any conventional means, and therefore it can be used on a planar attaching portion as provided by Jackson et al.

ii-In response to applicants argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, One having ordinary skill in the art at the time of the invention was made to combine the teachings of Hemmingsen II in view of Jackson et al teaching of defining a planar attaching portion 52 on a rear (or back) of the antenna reflector would allow the antenna to rotate for positioning and aligning purpose. The motivation or suggestion to combine these references is found in Hemmingsen II reference (see col. 3, lines 63-67) and in Jackson et al reference (see col. 3, lines 48-51).

iii- Regarding claims 44, 45, 49 and 50. Applicants argue that the applied art references as combined do not teach the compass has at least one pin and the pin being coupled to the socket formed in the planar attachment portion (see "remarks", page 7, paragraph 2). The examiner disagrees, Applicants are referred to col. 3, lines 15 -16 of Hemmingsen II which describes the aligning device 26 can be used to secure to an associated support member by any conventional means and /or the Chou's teaching of a compass having the pin 24 and being coupled to socket 14 as shown in Fig. 1 is read on "the compass has at least one pin and the pin being coupled to the socket formed in the planar attachment portion " as recited in the present claims.

iv- In response to applicants' arguments (see "remarks, page 7, paragraph 3) against the references individually, one cannot show nonobviousness by attacking

Art Unit: 3729

references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

v- Applicants' arguments do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references rejection. For above reasons, Applicants' arguments are not found to be persuasive and the rejection of claims 41-50 is maintained.

Interviews After Final

8. Applicants note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing). Such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations which would require more than nominal reconsideration or new search will be denied. See MPEP 714.13 and 713.09.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

mt
November 19, 2003



PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700